

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE EDUCATED CIGAR, LLC,

Plaintiff,

V.

DAVID WIEST, JACQUELINE M. DANYO, DAVID DRESSEL, CINDI HOLMSTROM, RANDI JOHNSON, REX MUNGER, RALPH OSGOOD, WILLIAM N. RICE, and STUART THRONSON, in their official capacities as members of the Washington State Department of Revenue; GEORGIA A. GARDNER, TERRY SEBRING, and SHIRLEY J. WINSLEY, in their official capacities as members of the Washington State Board of Tax Appeals; ROB MCKENNA and CAMERON G. COMFORT, in their official capacities within the Washington State Attorney General's Office; CHRISTINE O. GREGOIRE, in her official capacity as Governor of Washington State (and former Washington State Attorney General); JOHN DOE and JANE DOE, in their official capacity as members of the Washington State Legislature

Defendants.

Before the Court is Defendant State Officials' Motion to Dismiss (Ct. Rec.

7). The motion was heard without oral argument.

The State Defendants assert a number of arguments in support of their

ORDER DISMISSING COMPLAINT, WITHOUT PREJUDICE ~ 1

1 motion to dismiss. The Court will address only one of them, namely, whether the
 2 complaint should be dismissed because Plaintiff, a Washington limited liability
 3 corporation, is not represented in the action by a licensed attorney.

4 Case law is clear. Artificial entities, whether as a corporation or a limited
 5 liability corporation, may appear in federal court only through licensed counsel.
 6 *Rowland v. Calif. Men's Colony*, 506 U.S. 194, 202-203 (1993); *United States v.*
 7 *High Country Broadcasting Co., Inc.*, 3 F.3d 1244 (9th Cir. 1993).

8 Here, the Complaint was signed by Charles C. Diettrich and Rick Ornstein,
 9 on behalf of Plaintiff The Educated Cigar, LLC. In response to the State
 10 Defendants' motion, neither of these persons indicated that they are a licensed
 11 member of the Washington State bar. Rather, they attempted to distinguish
 12 *Rowland* and also argued that The Educated Cigar, LLC, is not a corporation or
 13 company. These arguments are without merit. As such, the Complaint filed by
 14 Charles C. Diettrich and Rick Ornstein must be dismissed.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. Defendant State Officials' Motion to Dismiss (Ct. Rec. 7) is
 17 **GRANTED.**

18 2. The above-captioned case is **dismissed**, without prejudice.

19 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
 20 Order, forward copies to the parties, and **close the file**.

21 **DATED** this 29th day of November, 2007.

22 s/ *Robert H. Whaley*

23 ROBERT H. WHALEY
 24 Chief United States District Judge

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